



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 20, 1998

Ms. Regina Grimes
Office of General Counsel
Texas Department of Criminal Justice
8610 Shoal Creek
Austin, Texas 78757

OR98-1985

Dear Ms. Grimes:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 117596.

The Texas Department of Criminal Justice (the "department") received a request for all information relating to the parole eligibility of a specific individual. Although you state that court records have been released, you claim that the submitted documents are excepted from disclosure under sections 552.101 and 552.111 of the Government Code.¹ We have considered the exceptions you claim and reviewed the documents at issue.

Section 552.101 excepts from required public disclosure information that is considered confidential by law, either constitutional, statutory, or by judicial decision. This section encompasses information protected by other statutes. Section 508.313 of the Government Code provides:

(a) All information obtained and maintained, including a victim protest letter or other correspondence, a victim impact statement, a list of inmates eligible for release on parole, and an arrest record of an inmate, is confidential and privileged if the information relates to:

(1) an inmate of the institutional division subject to release on parole, release to mandatory supervision, or executive clemency;

¹Documents filed with the court are public documents and must be released. See *Star-Telegram, Inc. v. Walker*, 834 S.W.2d 54, 57-58 (Tex. 1992).

(2) a release; or

(3) a person directly identified in any proposed plan of release for an inmate.

You state that the submitted documents are records of the Board of Pardons and Paroles which relate to "an inmate of the institutional division subject to release on parole, release to mandatory supervision, or executive clemency." Based on your representations, we conclude that the submitted information is made confidential by statute and must only be released pursuant to the statute.²

Because we make a determination under section 552.101, we do not address your additional argument against disclosure. We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



June B. Harden
Assistant Attorney General
Open Records Division

JBH/ch

Ref.: ID# 117596

Enclosures: Submitted documents

cc: Mr. Andrew Hammel
Texas Defender Service
412 Main, Suite 1150
Houston, Texas 77002
(w/o enclosures)

²We note that this ruling only addresses the public's access to the requested information under the Open Records Act. This ruling does not address any due process interest the requestor's client may have in the requested information.